UNITED STATES PATENT AND TRADEMARK OFFICE

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10/560,109	01/17/2006	Calin Turcanu	60091.00441	2893

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EXAMINER
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ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____.
2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *13,14,17,18 and 20-23* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *13-14, 17-18, 20-23* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☒ All   b) ☐ Some * c) ☐ None of:
      1. ☒ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____.
      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 19, 20 and 22 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 19 and 20 recite "computer readable medium" and claim 22 recites, "a computer-readable program distribution medium". However, the examiner was unable to find these limitations in the original specification and thus could not determine whether the medium is a tangible medium or a carrier wave. For examination purpose, the examiner will interpret the medium as a tangible medium only and the medium does not include a carrier wave.

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim **13, 14, 17-18 and 20-23** rejected under 35 U.S.C. 103(a) as being

unpatentable over **Mathis** (US Patent Number 2003/0119540) in view of **Haimes** (US

Publications 2003/0105820) further in view of **Griffin** (US Pub. 2003/0155447).

2.   Regarding *claim* 13, **Mathis** teaches a method comprising:

- storing a list of subscribers in a phonebook application in a subscriber device ([0013,

  0009, 0004]),

- storing presence information of the subscribers in the phonebook application ([0013,

  0009, 0004]), said presence information including information on the availability of the

  subscribers for a group call ([0010-0013]);

- Opening the phonebook application in response to a predetermined input from the user

  interface ([0018], user consult contact list, step 410 in Fig. 4)

- Displaying the list of subscribers on the user interface ([0018], user consult contact list,

  step 420 in Fig. 4).

- in response to the user's selection of two or more subscribers from the list via the user

  interface and in response to the user pressing a predetermined button (selecting group

  TG1 is means users A and B are selected which broadly reads on the limitation of

  "selection of two or more subscribers", Fig. 2; [0016, 0018]), providing appropriate

  signaling with a group communication service in a network infrastructure for establishing

  a … group call of the selected subscribers and the user of the subscriber device (Step

  430, [0013, 0018])

However, **Mathis** does not specifically teach an ad-hoc group call. In an analogous art,

Haimes teaches providing appropriate signaling with a group communication service in a

network infrastructure for establishing an ad-hoc group call consisting of the selected

subscribers and the user of the subscriber device ([0091-0095, 0106, 0128-0130]).

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the

invention combine Mathis' teaching of a group call and Haimes' teaching of the ad-hoc

group call to allow the user the flexibility to dynamically select who to talk to and not be

restricted to a predefined group.

However, **Mathis and Haimes** do not specifically teach, "sending a speech item or a

speech item request each time a talk activity is detected or indicated in the subscriber

device during said ad hoc group call, wherein said speech item or said speech item

request is sent based on real-time transport protocol".

In an analogous art, **Griffin** teaches "sending a speech item or a speech item

request each time a talk activity is detected or indicated in the subscriber device during

said ad hoc group call, wherein said speech item or said speech item request is sent

based on real-time transport protocol" (Fig. 10, [0049-0050, 0062, 0066] and Fig 14).

Furthermore, Griffin also teaches in response to the user's selection of two or more

subscribers from the list via the user interface, displaying a group communications

menu on the user interface (Fig. 10, [0049-0050] and Fig 14); providing appropriate

signaling with a group communication service in a network infrastructure for establishing

an ad-hoc group call consisting of the selected subscribers and the user of the

subscriber device ([0049-0050]); Therefore, it would have been obvious for one of

ordinary skill in the art at the time of the invention to include Griffin's teaching of sending

a speech item request each time a talk activity is detected with Mathis and Haimes'

teaching in order to facilitate the push-to-talk process. It is also advantageous to modify

Mathis and Haime's teaching with Griffin's teaching to use RTP because RTP takes

advantage of the existing/emerging framework of Voice over IP (land and wireless) and

take advantage of the functions and services offered in the Voice Over IP framework.

3.   Regarding *claim* 14, **Mathis** teaches a method comprising:

- storing a list of subscribers in a phonebook application in a subscriber device ([0013,

  0009, 0004]),

- storing presence information of the subscribers in the phonebook application ([0013,

  0009, 0004]), said presence information including information on the availability of the

  subscribers for a group call ([0010-0013]);

- Opening the phonebook application in response to a predetermined input from the user

  interface ([0018], user consult contact list, step 410 in Fig. 4)

- Displaying the list of subscribers on the user interface ([0018], user consult contact list,

  step 420 in Fig. 4).

- receiving user's selection of two or more subscribers from the list via the user interface

  (selecting group TG1 is means users A and B are selected which broadly reads on the

  limitation of "selection of two or more subscribers", Fig. 2; [0016, 0018]); and

- in response to the user pressing a predetermined button, providing appropriate signaling

  with a group communication service in a network infrastructure for establishing a ...

  group call of the selected subscribers and the user of the subscriber device (Step 430,

  [0013, 0018])

However, **Mathis** does not specifically teach an ad-hoc group call. In an analogous art,

Haimes teaches providing appropriate signaling with a group communication service in a

network infrastructure for establishing an ad-hoc group call consisting of the selected

subscribers and the user of the subscriber device ([0091-0095, 0106, 0128-0130]).

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the

invention to combine Mathis' teaching of a group call and Haimes' teaching of the ad-hoc

group call to allow the user the flexibility to dynamically select who to talk to and not be

restricted to a predefined group.

However, **Mathis and Haimes** do not specifically teach, "sending a speech item or a

speech item request each time a talk activity is detected or indicated in the subscriber

device during said ad hoc group call, wherein said speech item or said speech item

request is sent based on real-time transport protocol".

In an analogous art, **Griffin** teaches "sending a speech item or a speech item

request each time a talk activity is detected or indicated in the subscriber device during

said ad hoc group call, wherein said speech item or said speech item request is sent

based on real-time transport protocol" (Fig. 10, [0049-0050, 0062, 0066] and Fig 14).

Furthermore, Griffin also teaches in response to the user's selection of two or more

subscribers from the list via the user interface, displaying a group communications

menu on the user interface (Fig. 10, [0049-0050] and Fig 14); providing appropriate

signaling with a group communication service in a network infrastructure for establishing

an ad-hoc group call consisting of the selected subscribers and the user of the

subscriber device ([0049-0050]); Therefore, it would have been obvious for one of

ordinary skill in the art at the time of the invention to include Griffin's teaching of sending

a speech item request each time a talk activity is detected with Mathis and Haimes'

teaching in order to facilitate the push-to-talk group talk process. It is also

advantageous to modify Mathis and Haime's teaching with Griffin's teaching to use RTP

because RTP takes advantage of the existing/emerging framework of Voice over IP

(land and wireless) and take advantage of the functions and services offered in the

Voice Over IP framework.

4.   Regarding *claim* **17 and 18**, **Mathis** teaches an apparatus comprising:

- A storage device configured to store a list of subscribers in a phonebook application in a

  subscriber device and presence information of the subscribers in the phonebook

  application ([0013, 0009, 0004]), said presence information including information on the

  availability of the subscribers for a group call ([0010-0013]);

- A user interface configured to display the list of subscribers of the phonebook

  application ([0018], user consult contact list, step 420 in Fig. 4).

- A controller configured, in response to the user's selection of two or more subscribers

  from the list via the user interface (selecting group TG1 is means users A and B are

  selected which broadly reads on the limitation of "selection of two or more subscribers",

  Fig. 2; [0016, 0018]), to display a group communications menu on the user interface;

  and

- Said controller being configured, in response to the user pressing a predetermined

  button, to exchange appropriate signaling with a group communication service in a

  network infrastructure for establishing a ... group call of the selected subscribers and

  the user of the apparatus (Step 430, [0013, 0018])

  However, **Mathis** does not specifically teach an ad-hoc group call. In an analogous art,

Haimes teaches providing appropriate signaling with a group communication service in a

network infrastructure for establishing an ad-hoc group call consisting of the selected

subscribers and the user of the subscriber device ([0091-0095, 0106, 0128-0130]).

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to combine **Mathis'** teaching of a group call and **Haimes'** teaching of the ad-hoc group call to allow the user the flexibility to dynamically select who to talk to and not be restricted to a predefined group.

However, **Mathis and Haimes** do not specifically teach, "sending a speech item or a speech item request each time a talk activity is detected or indicated in the subscriber device during said ad hoc group call, wherein said speech item or said speech item request is sent based on real-time transport protocol".

In an analogous art, **Griffin** teaches "sending a speech item or a speech item request each time a talk activity is detected or indicated in the subscriber device during said ad hoc group call, wherein said speech item or said speech item request is sent based on real-time transport protocol" (Fig. 10, [0049-0050, 0062, 0066] and Fig 14). Furthermore, Griffin also teaches in response to the user's selection of two or more subscribers from the list via the user interface, displaying a group communications menu on the user interface (Fig. 10, [0049-0050] and Fig 14); providing appropriate signaling with a group communication service in a network infrastructure for establishing an ad-hoc group call consisting of the selected subscribers and the user of the subscriber device ([0049-0050]); Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to include Griffin's teaching of sending a speech item request each time a talk activity is detected with Mathis and Haimes' teaching in order to facilitate the push-to-talk group talk process. It is also advantageous to modify Mathis and Haime's teaching with Griffin's teaching to use RTP

bec ause RTP takes advantage of the existing/emerging framework of Voice over IP

(land and wireless) and take advantage of the functions and services offered in the

Voice Over IP framework.

Regarding claims **20-23**, they are claim directing towards computer readable

medium and apparatus claims that correspond to claim 13. Therefore, they are rejected

for the same reasons as claims 13.

Response to Arguments

Applicant's arguments with respect to claims 13-14, 17-18 and 20-23 have been

considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in
this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP
§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37
CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE
MONTHS from the mailing date of this action. In the event a first reply is filed within
TWO MONTHS of the mailing date of this final action and the advisory action is not
mailed until after the end of the THREE-MONTH shortened statutory period, then the
shortened statutory period will expire on the date the advisory action is mailed, and any
extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of
the advisory action. In no event, however, will the statutory period for reply expire later
than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to DUNG LAM whose telephone number is (571) 272-
6497. The examiner can normally be reached on M - F 9 - 5:30 pm, Every Other Friday
Off.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Paul Harper can be reached on (571) 272-7605. The fax phone number for
the organization where this application or proceeding is assigned is 571-273-8300.
        Information regarding the status of an application may be obtained from the
Patent Application Information Retrieval (PAIR) system. Status information for
published applications may be obtained from either Private PAIR or Public PAIR.
Status information for unpublished applications is available through Private PAIR only.
For more information about the PAIR system, see http://pair-direct.uspto.gov. Should
you have questions on access to the Private PAIR system, contact the Electronic
Business Center (EBC) at 866-217-9197 (toll-free).

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